

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger**

Civil Action No. 09-CV-00309 MSK-KMT

SUZANNE SHELL,
Plaintiff,

v.

AMERICAN FAMILY RIGHTS ASSOCIATION, et al.,
Defendants.

**REPLY TO PLAINTIFF’S RESPONSE (171) TO DEFENDANTS’ MOTION (112) TO
DISMISS AND FOR SANCTIONS**

COMES NOW, Defendants CPS Watch, Inc., Cheryl Barnes, and Sarah Thompson (hereinafter, CPS Watch Defendants), by and through their attorney, Daniel B. Slater, and hereby reply to the Plaintiff’s Response to their Motion to Dismiss. In support of this Reply, CPS Watch Defendants state as follows:

STANDARDS FOR MOTIONS TO DISMISS

1. While CPS Watch Defendants contend that the Plaintiff has not pled facts that would support her claims even under the standards she cites, it is important to note that the law surrounding what makes a claim sufficiently-pled has drastically changed recently.
2. As referenced in the Brief supporting the CPS Watch Defendants’ Motion to Dismiss, in *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007), the United States Supreme Court clarified the standards of particularity needed in a claim for relief when faced with a Rule 12 (b) (6) motion. “While a complaint attacked by a Rule 12 (b) (6) motion to dismiss

does not need detailed factual allegations, a plaintiff's obligation to provide the "grounds" of his "entitle[ment] to relief" requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Twombly* at 555.

3. It is important to remember that this requirement exists to protect potential defendants from precisely the situation faced here: a recitation of the elements of a claim without any factual allegations specific to any defendant. "Without some factual allegation in the complaint, it is hard to see how a claimant could satisfy the requirement of providing not only 'fair notice' of the nature of the claim, but also 'grounds' on which the claim rests." *Id.* at n.3.
4. The Tenth Circuit has recognized the importance of the rights of defendants in a recent decision. "The insistence on *factual* allegations tending to suggest actionable rather than innocent conduct is not mere formalism. Rather, the Supreme Court emphasized that it serves at least two vital purposes – to ensure that a defendant is placed on notice of his or her alleged misconduct sufficient to prepare an appropriate defense, and to avoid ginning up the costly machinery associated with our civil discovery regime on the basis of 'a largely groundless claim'". *Pace v. Swerdlow*, 519 F.3d 1067, 1076 (10th Cir. 2008) (emphasis in original) (internal citations omitted).
5. The Supreme Court further clarified the standards for motions to dismiss in *Ashcroft v. Iqbal*, ___ U.S. ___, 129 S.Ct. 1937 (May 18, 2009). In *Iqbal*, the Court stated that "the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. Threadbare recitals of the elements of a cause of

action, supported by mere conclusory statements, do not suffice.” *Iqbal* at 1949.

6. This is the primary failure in the Plaintiff’s Complaint: she has done an artful job of reciting the elements to nearly every cause of action cited, and supported them with “mere conclusory statements.” In nearly every case, she has failed to allege a single fact specific to the CPS Watch Defendants. In other words, she has come close to the line, but her failure to cite any non-conclusory facts means she has not “nudged [her] claims across the line from conceivable to plausible.” *Twombly* at 570.
7. It is important to compare the Plaintiff’s allegations to the allegations made in *Iqbal*. In *Iqbal*, the plaintiff also pled a number of “conclusory” allegations that fit neatly into the elements of the plaintiff’s claim. However, such conclusory allegations “are not entitled to be assumed true.” *Iqbal* at 1951.

PERSONAL JURISDICTION

8. Plaintiff spends fourteen pages attempting to respond to the question of personal jurisdiction alone. However – as with her claims for relief (*see* discussion, *infra*) – she completely misses the point that the Supreme Court has set forth in both *Twombly* and *Iqbal*. Her statements that she alleges attach personal jurisdiction to this case are merely conclusory statements, and fail to meet the requirements for pleading facts that would subject a defendant to personal jurisdiction.
9. Plaintiff tends to cite the following paragraphs in her Complaint as being the paragraphs that show CPS Watch Defendants are subject to the personal jurisdiction of this Court: 27-30, 38, 39, 42, 44-46, 219-233, and 296-298. Memorandum of Law (171-3) at ¶¶ 9-

12 and 14.

10. A review of the paragraphs of the Complaint cited by the Plaintiff show that she has alleged only the following facts specific to the CPS Watch Defendants: That CPS Watch Inc. is a Missouri non-profit corporation which offers products nationwide, and that Defendants Barnes and Thompson are board members of CPS Watch, Inc., that Barnes is owner of a Yahoo! Group, and that Thompson is a member of CPS Watch and the Yahoo! Group. The remainder of the paragraphs cited are conclusory allegations that do not contain any mention of the individual CPS Watch Defendants. These facts alone are not enough to attach personal jurisdiction within Colorado to these defendants. See Brief (112) at ¶ 8.
11. Indeed, this document is similar in these respects to a document previously filed by the Plaintiff, “Memorandum of Law Pertaining to Personal Jurisdiction” (111). In other words, Plaintiff apparently feels justified in substituting any defendant’s name(s) into this pre-packaged “Memorandum of Law” without concern for the applicability of individual facts. By definition, that is evidence that these are nothing more than conclusory allegations without specific facts pled as to the CPS Watch Defendants themselves.
12. Finally, oddly enough, the Plaintiff also alleges that this Court has personal jurisdiction over the CPS Watch Defendants due to some “forum selection clause” in a contract. That argument might have some merit – had the Plaintiff actually alleged that a contract existed in the first instance. However, Plaintiff has admitted in her Response that the breach of contract cause of action does not apply to these particular defendants.

Response at 13. With that admission from the Plaintiff, it seems hard to argue that a forum-selection clause would attach personal jurisdiction to this case when the Plaintiff has already admitted that the contract issues do not involve these defendants¹.

13. Accordingly, Plaintiff has failed to plead facts that would show personal jurisdiction attaches to the CPS Watch Defendants to be involved in a Federal action in this District.

SUBJECT-MATTER JURISDICTION

14. The Plaintiff has failed to respond in any manner to CPS Watch Defendants' contention that this Court lacks diversity subject matter jurisdiction over certain claims made by the Plaintiff. *See*, Motion at ¶ 4. Accordingly, those claims should be dismissed.

FIRST CAUSE OF ACTION (MISAPPROPRIATION / THEFT OF TRADE SECRETS)

15. Plaintiff first argues that whether a specific fact or piece of knowledge is a trade secret is an issue of fact that is not to be decided by the court in resolving this Motion; however, Plaintiff has failed to identify what these "trade secrets" actually consist of. The closest she comes to providing some sort of factual grounds is the laundry-list citation she restates in Paragraph 70.

16. Plaintiff cites to *Colorado Supply Co. v. Stewart*, 797 P.2d 1303 (Colo. App. 1990) in support of her claims that she does not need to identify any trade secrets in her complaint. However, *Colorado Supply* merely stands for the proposition that the question of whether a specific item claimed to be a trade secret qualifies as a "trade secret" is a question of fact for the trier of fact. In that case, the plaintiff had clearly indicated that it was

¹ A problem with using boilerplate, pre-packaged briefs such as this one from the Plaintiff is that the arguments one makes for one defendant might not mesh with the arguments you make elsewhere for another defendant, as seen

concerned with misappropriation of its “customer lists, price lists, and product formulas.”

Colorado Supply at 1305. No similar specificity may be found in Plaintiff’s Complaint.

17. This “laundry list” is precisely the kind of elemental recitation “masquerading as fact” with which the Supreme Court was concerned in *Twombly*. In no way does it provide the Defendants any sort of clue as to what she is claiming has been appropriated.

18. Accordingly, Plaintiff has failed to properly allege any facts supporting the first element of this claim.

19. As for the second element of this claim, Plaintiff alleges that merely by including the CPS Watch Defendants within the realm of “defendants” in this litigation, she has alleged enough in terms of factual specificity to support her claim.

20. However, a review of the facts alleged for this element shows *precisely* the difference between the “conclusory allegations” disfavored by the Supreme Court and the factual allegations necessary to support such a claim. In Plaintiff’s Response, she cites to Paragraphs 83 and 84 of her Complaint, among others. Those Paragraphs contain the kind of factual allegations that might be enough to support a claim under the *Twombly* standard – against Defendants Wiseman and Swallow. But there are no such specifics as to any of the CPS Watch Defendants.

21. Accordingly, Plaintiff’s claim must also fail because it fails to allege facts specific to the CPS Watch Defendants on the second element of this claim.

SECOND CAUSE OF ACTION (COPYRIGHT INFRINGEMENT)

22. Plaintiff first argues that “statute of limitations is an affirmative defense to be pleaded

and proved by the defendants.” Response at 5.

23. However, the case cited by Plaintiff is wholly inapplicable². In that case, there was a question as to whether a three-year or a six-year statute of limitations was applicable, and the outcome of that determination rested on a factual determination of the type of case involved. *Comfort Homes, Inc. v. Peterson*, 549 P.2d 1087, 1090 (Colo. App. 1976)³. In the present case, there does not appear to be any question as to the applicability of the Federal Copyright Act to Plaintiff’s copyright claims, and the statute of limitations is found within that Act.

24. Plaintiff also appears to argue that because a statute of limitations defense is an affirmative defense, that it is not an issue ripe for determination by a Rule 12 (b) (6) motion. Such an argument flies in the face of the law. *See, e.g., McIntyre v. Board of County Comm’rs*, 508 F.3d 1284, 1286-1287 (10th Cir. 2007) (affirming a decision dismissing a claim on a 12 (b) (6) motion on the basis of an expired statute of limitations); *Panhandle E. Pipeline Co. v. Parish*, 168 F.2d 238, 240 (10th Cir. 1948) (“where it affirmatively appears from the face of a complaint that the action pleaded is barred by the statute of limitations, the defense can be raised by motion to dismiss.”)

25. Plaintiff appears to concede that the unpublished work she claims was infringed has never been registered with the United States Register of Copyrights. She then contends that “registration of the copyright is not a requirement to exercise those rights.”

² Plaintiff has cited this case throughout her Response; these arguments are applicable as a reply to each portion of her Response wherein she has cited this case.

³ That case also most certainly had nothing to do with whether a statute of limitations defense could be brought in a Rule 12 motion to dismiss, as the case involved a determination of the proper statute of limitations *following* a trial.

26. However, it is clear that registration of a copyright is a necessary step precedent to maintaining an action for infringement of that copyright. “[N]o action for infringement of the copyright in any United States work shall be instituted until preregistration or registration of the copyright claim has been made in accordance with this title.” 17 U.S.C. § 411 (a).
27. The failure to register an original item is a jurisdictional defect. *Torres-Negron v. J&N Records, LLC*, 504 F.3d 151, 156-158 (1st Cir. 2007).
28. Accordingly, since Plaintiff failed to register this copyright, and this is the only copyright that Plaintiff alleges was infringed by CPS Watch Defendants, Plaintiff’s claims must fail for lack of subject matter jurisdiction.
29. With respect to the statute of limitations argument, Plaintiff alleges that “fraudulent concealment” should toll the statute of limitations, but this argument falls under the same weight of conclusory allegations that dooms the vast majority of her Complaint. To the extent that Plaintiff is now pleading fraud, she must do so with particularity. She has failed to do so. Accordingly, the argument that the statute of limitations should be tolled fails⁴.

THIRD CAUSE OF ACTION (CONTRIBUTORY COPYRIGHT INFRINGEMENT)

30. With respect to the first element, Plaintiff “realleges” prior allegations. However, prior allegations deal with the alleged infringement of a work that was not registered; thus, Plaintiff cannot maintain a claim for infringement, as this is a jurisdictional defect.

⁴ Again, Plaintiff repeats this allegation throughout her Response; these arguments are applicable as a reply to each portion of her Response wherein she has made this allegation.

31. Further, Plaintiff's allegations in the third cause of action are again *precisely* the type of generic restatement of elemental legal conclusions that are not sufficient under the *Twombly* standards. Plaintiff's claim fails under the first element for this reason, as well.
32. The second element, similarly, is pled apparently in two paragraphs: one incorporating prior paragraphs; the other, a simple restatement of the legal standard for the second element.
33. Plaintiff's claim for contributory copyright infringement simply fails to contain any allegations of fact as to the CPS Watch Defendants that would sustain a claim. Accordingly, it should be dismissed.

FOURTH CAUSE OF ACTION (VICARIOUS COPYRIGHT INFRINGEMENT)

34. The Plaintiff's Response with respect to the Fourth Cause of Action is yet another example of the type of claims meant to be weeded out through application of the *Twombly* analysis. Plaintiff cites to Paragraphs 126 and 127 as the factual support for the two elements of this claim; however, those two paragraphs consist solely and entirely of a restatement of the element. There is absolutely no factual basis listed for *any* Defendant, much less any of the CPS Watch Defendants, that would support the Plaintiff's claim.
35. Since Plaintiff has failed to cite any factual basis for her fourth cause of action, it should be dismissed.

FIFTH CAUSE OF ACTION (BREACH OF CONTRACT)

36. Plaintiff concedes that this cause of action should not include the CPS Watch Defendants;

accordingly, this action should be dismissed as to the CPS Watch Defendants⁵.

**SIXTH CAUSE OF ACTION (TORTIOUS INTERFERENCE WITH BUSINESS
RELATIONSHIP)**

37. Plaintiff concedes that this cause of action should not include the CPS Watch Defendants; accordingly, this action should be dismissed as to the CPS Watch Defendants.

SEVENTH CAUSE OF ACTION (RICO)

38. Once again, Plaintiff's Complaint fails to comply with the standards set forth by the Supreme Court in *Twombly* with respect to the CPS Watch Defendants. Specifically, the **only** references to Defendants CPS Watch Inc. and Thompson come in essentially identical paragraphs numbered 193 and 205⁶ that merely state a conclusion, without any factual basis identified.

39. With respect to "count" four against Defendant Barnes, the Plaintiff's Complaint again consists solely of a recitation of legal verbiage without any factual allegations whatsoever.

40. When considering dismissing claims like this RICO claim, the Court should consider not only the holding in *Twombly*, but also the circumstances surrounding the *Twombly* case

⁵ Plaintiff's admission that the Fifth and Sixth causes of action do not apply to CPS Watch Defendants is *precisely* why the specificity in *Twombly* is so important. In her Response to the Second Cause of Action, she intimates that where she refers to "defendants," that word automatically includes the CPS Watch Defendants. Response at n.3. However, apparently that axiom is not applicable to these causes of action. There is no way to tell what generic terms are meant to apply to all, and what are meant to apply to specific individuals. Indeed, failing the existence of this Motion and the Plaintiff's Response hereto, the parties would not even know that they were not intended to be included in these claims. Because these claims are groundless, yet required a response from CPS Watch Defendants, Defendants should be entitled to attorneys' fees and costs for responding to these claims, as they meet the textbook definition of "groundless" claims.

⁶ Of further note is that these paragraphs are also substantially identical to paragraphs 197, 201, 209 and 213, which do **not** include Thompson or CPS Watch as listed defendants.

itself. *Twombly* was a Sherman Act case; the Court noted that there is great expense involved in allowing a case like that to proceed: “Thus, it is one thing to be cautious before dismissing an antitrust complaint in advance of discovery, but quite another to forget that proceeding to antitrust discovery can be expensive.” *Twombly* at 558⁷. CPS Watch Defendants contend that RICO cases, like antitrust cases, with multiple defendants as this one, will likely involve great expense and expansive discovery. When, as here, a plaintiff fails to describe *a single fact* specific to the CPS Watch Defendants that is more than a conclusory recitation of the elements, the Court should not allow the case to proceed, and should dismiss the claims.

41. While Plaintiff spends five pages of her Response detailing the law of RICO cases, she misses the entire point: it is not that she has failed to allege the elements; instead, the problem with the Complaint is that she has not pled any facts (beyond the conclusory statements that are not sufficient under *Twombly*) that would prove the elements. That dooms this claim, and all of her claims.

EIGHTH CAUSE OF ACTION (FALSE AND MISLEADING ADVERTISING)

42. Defendants concede that Plaintiff has stated the correct statute of limitations for C.R.S. § 6-1-105; however, the Complaint does not list this claim under that statute. Instead, the Plaintiff’s Eighth Cause of Action is made under the Lanham Act – 15 U.S.C. § 1125 (a).

43. C.R.S. § 13-80-102 (1) (g) is very clear – if the Federal act does not contain a statute of limitations, Colorado law provides a two-year statute of limitations. There is no

⁷ While it has been argued that *Twombly* should be limited to antitrust cases, the Supreme Court has rejected that argument in *Iqbal*. *Iqbal* at 1953 (“Our decision in *Twombly* expounded the pleading standard for ‘all civil

exception for “similar” Colorado statutes of limitations otherwise. Plaintiff has chosen to sue under the Lanham Act, and not the state statute⁸. As with much else in the Complaint, that is her choice; however, she cannot then rest on a different law when it is more convenient to her.

44. However, whether the limitations period is two years or three years is wholly irrelevant.

Even under Plaintiff’s own statements, the Plaintiff is barred from suit three years after discovery of a cause of action. Previously, Plaintiff claims to have “discovered” her claims in February 2005. Response at 8 and 26. Accordingly, a lawsuit filed in 2009 would fall outside of the permissive period of a statute of limitations.

45. Again, though, statute of limitations issues notwithstanding, Plaintiff has failed to provide any specific factual allegations about what the CPS Watch Defendants are alleged to have done that constitutes false and misleading advertising. Instead, Plaintiff relies upon the generic term “defendants” when referencing statements made – even though that generic term earlier in the Complaint apparently was *not* intended to reference CPS Watch Defendants (*supra*, at n.5).

46. Even if the Court finds that the Plaintiff’s generic references to “defendants” in ¶¶ 277-285 of the Complaint are enough to survive the *Twombly* analysis, that only would meet the third element of the cause of action. Plaintiff has – by her own admission in terms of the paragraphs she references in the Response – merely made conclusory legal allegations that relate to the first two elements of this cause of action. Factual allegations

actions’ ...”).

⁸ In fact, the Ninth Cause of Action is a claim under the state statute.

must be pled for *all* of the elements, not simply one. On this alone, her claim must fail.

**NINTH CAUSE OF ACTION (UNFAIR OR DECEPTIVE TRADE PRACTICES AND
UNFAIR METHODS OF COMPETITION)**

47. At the outset, it is important to note that while Plaintiff claims that there should be a four-year statute of limitations, she has failed to cite to any authority whatsoever in support of that proposition. Presumably, she is conceding that the appropriate statute is C.R.S. § 6-1-115, which provides that suit must be brought within three years after the consumer discovered or should have discovered the occurrence of the cause of action. Since Plaintiff learned of this action in February 2005, it seems clear that the statute of limitations had expired when she filed suit in February 2009.
48. With respect to the first element, Plaintiff again references only conclusory statements, and even those statements are not specific to any Defendant.
49. With respect to the second element, Plaintiff again references only conclusory statements, and even those statements are not specific to any Defendant.
50. With respect to the third element, Plaintiff again references only conclusory statements, and even those statements are not specific to any Defendant.
51. With respect to the fourth element, Plaintiff again references only conclusory statements, and even those statements are not specific to any Defendant.
52. With respect to the fifth element, Plaintiff again references only conclusory statements, and even those statements are not specific to any Defendant.
53. The failure of Plaintiff to provide factual allegations with respect to any one of these

elements would be fatal to this claim⁹. Plaintiff's failure to provide factual allegations for **any** of the elements merely makes the decision to dismiss this claim much easier for the Court to make.

TENTH CAUSE OF ACTION (CONSPIRACY)

54. As with nearly everything else in Plaintiff's Complaint, Plaintiff has alleged blanket conclusory allegations without any reference to a single CPS Watch Defendant. Under the *Twombly* standard, that just is not enough.

55. Furthermore, the Supreme Court in *Twombly* addressed conspiracy claims. The decision might as well have been discussing this case:

When we look for plausibility in this complaint, we agree with the District Court that plaintiffs' claim of conspiracy in restraint of trade comes up short. To begin with, the complaint leaves no doubt that plaintiffs rest their § 1 claim on descriptions of parallel conduct and not on any independent allegation of actual agreement among the ILECs. Although in form a few stray statements speak directly of agreement, on fair reading these are merely legal conclusions resting on the prior allegations.

Twombly at 564-565 (internal citations omitted).

56. The Supreme Court continued in a footnote to the preceding quotation:

If the complaint had not explained that the claim of agreement rested on the parallel conduct described, we doubt that the complaint's references to an agreement among the ILECs would have given the notice required by Rule 8. Apart from identifying a seven-year span in which the § 1 violations were supposed to have occurred, the pleadings mentioned no specific time, place, or person involved in the alleged conspiracies. This lack of notice contrasts sharply with the model form for pleading negligence, Form 9, which the dissent says exemplifies the kind of "bare allegation" that survives a motion to dismiss. Whereas the model form alleges that the defendant struck the plaintiff with his car while plaintiff was crossing a particular highway at a specified date and time, the complaint here furnishes no clue as to which of the four ILECs (much less which

⁹ Of potential import, as well, is the fact that while Plaintiff includes dozens of pages of "discussion" as to every other cause of action her "discussion" section for this cause of action is completely blank. Response at 28.

of their employees) supposedly agreed, or when and where the illicit agreement took place. A defendant wishing to prepare an answer in the simple fact pattern laid out in Form 9 would know what to answer; a defendant seeking to respond to the plaintiffs' conclusory allegations in the § 1 context would have little idea where to begin.

Id. at n.10 (internal citations omitted).

57. The Plaintiff's allegations in this case are no more detailed than the allegations in *Twombly*. At best, they describe parallel conduct – and that is giving Plaintiff **every** benefit of the doubt. But parallel conduct is not enough to sustain a claim for conspiracy.

ELEVENTH CAUSE OF ACTION (ANTITRUST / THE SHERMAN ACT)

58. For the same reason that the Plaintiff's conspiracy claim must fail, the Plaintiff's Antitrust claim must fail, as it also requires that Plaintiff show a conspiracy. *See* discussion, *supra*.

59. As with every other claim, the “facts” to which Plaintiff directs the Court in her Response are nothing more than conclusory legal allegations, and cannot withstand this Motion to Dismiss.

60. Not only that, Plaintiff's direction to ¶ 342 and ¶ 345 do not even contain the requisite conclusory allegations to show a “specific intent to monopolize,” as required by the second element of this cause of action.

61. Finally, Defendants again direct the Court to the Supreme Court's decision in *Twombly*, which is directly on point with respect to antitrust claims.

CONCLUSION

62. Plaintiff's Response does nothing more than show the utter inadequacy of her Complaint.

Every single case cited in her Conclusion (Response at 36) to support what the standards should be in a Motion to Dismiss was decided prior to the *Twombly* decision by the Supreme Court, and was decided under a more lax pleading standard.

63. While CPS Watch Defendants doubt that Plaintiff's Complaint would survive a motion to dismiss under the prior standard, that is no longer the argument. Instead, the question is whether the Plaintiff's complaint contains the factual allegations necessary under the standard in *Twombly*. It is clear that it does not. Accordingly, Plaintiff's complaint should be dismissed.
64. As stated before in this case, Plaintiff's decision to use a "shotgun" approach in this case has been just that – a conscious decision. It has resulted in a deficient complaint. It has resulted in unnecessary expense and hassle to a large number of people. Plaintiff has been involved in enough lawsuits to know *exactly* the impact she has when she files litigation; and from her pleadings it seems clear that Plaintiff is hardly a novice to the legal process. Unless this Court indicates to Plaintiff that she will face consequences for recklessly filing these kind of lawsuits, the courts will continue to clog with complicated and unnecessary litigation such as the one before the Court.
65. Accordingly, CPS Watch Defendants request that the Court order Plaintiff to pay, as sanctions, all of their attorneys' fees and costs incurred in this suit. Defendants further request that this Court issue an order restraining the Plaintiff from filing any more *pro se* claims with the United States District Court for the District of Colorado unless those pleadings have been reviewed first and approved by a member of the bar of the Court, or

unless she first receives approval from the Chief Judge of the District to do so. *See, Andrews v. Heaton*, 483 F.3d 1070, 1077 (10th Cir. 2007) (“Federal courts have the inherent power to regulate the activities of abusive litigants by imposing carefully tailored restrictions in appropriate circumstances.”).

WHEREFORE, Defendants Barnes, Thompson, and CPS Watch, Inc. hereby request that the Court DISMISS the Plaintiff’s claims against them and grant sanctions, fees, and costs against the Defendant.

DATED this 12th day of June, 2009.

/s Daniel B. Slater
Daniel B. Slater
Attorney for Defendants Thompson, Barnes and
CPS Watch, Inc.
1415 Main Street, Suite A
Cañon City, CO 81212
Tel: 719-269-3315
dan@danslaterlaw.com

Certificate of Service:

I hereby certify that a copy of this pleading was served on Plaintiff via the Court’s ECF system on June 12, 2009.

/s Daniel B. Slater
For Law Office of Dan Slater

I hereby certify that a copy of this pleading was served on the following via U.S. Mail on June 12, 2009:

National Association of Family Advocates
c/o Dorothy Kernaghan-Baez
811 Aumond Place East
Augusta, GA 30909

Dee Contreras
10571 Colorado Boulevard
Apartment B-101
Thornton, CO 80233

Dorothy Kernaghan-Baez
811 Aumond Place East
Augusta, GA 30909

Leonard Henderson
4773 Salmon River Highway
Otis, OR 97368

Ringo Kamens
Alex Bryan (sued as Ringo Kamens)
Box 60084
Olympia, WA 98505

Susan Adams Jackson
40 Orlando Avenue
Winthrop, MA 02152-2248

Thomas Dutkiewicz
P.O. Box 9775
Forestville, CT 06011-9775

William Wiseman
P.O. Box 693
Klamath Falls, OR 97601

/s Brandy Slater
For Law Office of Dan Slater